

1           Q     So you've interviewed -- you interviewed 30  
2     different witnesses related to this engagement, only  
3     two of them relate to the indictment, but you have  
4     spent 70 percent of your time on the indictment that's  
5     what you're saying?

6           A     **Yes, sir. My time, yes, sir.**

7           Q     Can you look still at page 1 where it says  
8     timing of services?

9           A     **Yes, sir.**

10          Q     And it indicates that you're supposed to  
11     make reports to Ms. Gardner directly, right?

12          A     **Yes.**

13          Q     Why were you told that the reports would go  
14     to Ms. Gardner directly instead of anybody else in her  
15     office?

16          A     **Because Ms. Gardner and I was the only ones**  
17     **working on it -- on the matter in our office.**

18          Q     Okay. As far as you know, Ms. Gardner was  
19     the only one working on the matter?

20          A     **Yes, sir.**

21          Q     She told you that?

22          A     **Yes, sir.**

23          Q     She told you she's going to be the only one  
24     working on it?

25          A     **I -- I know that -- that's only somebody I**

1     **communicate with in her office was Ms. Garden.**

2           Q     Okay. But you just said she told you she  
3     was the only one working on it?

4           A     I'm -- I'm saying that Ms. Gardner said that  
5     **she would be working with me on the matter, she and I.**

6           Q     Mr. Tisaby, have you noticed that throughout  
7     this deposition you often change your story after the  
8     first time you answer a question?

9           A     Well, yeah. After I think about it, yes,  
10    **sir. Give me time to think about it.**

11          Q     Well, do you understand how important this  
12    is when somebody is indicted the Governor of the  
13    State, do you think it would be more important for you  
14    to think about it before you give an answer instead of  
15    giving answers that you then say are incorrect and  
16    trying to correct them all the time?

17          A     Mr. -- Mr. Martin, that is why I am doing  
18    it. I am giving you the best answer. If I say  
19    something and I think about it a little bit, I go back  
20    to give you the best answer possible because, again --  
21    again, this investigation is for both the alleged  
22    victim, the Governor and the state. That's all that  
23    drives me, and you can believe me if you don't want  
24    to, but that's all that drives me.

25          Q     So if this investigation is also for the

1 benefit of the Governor --

2 **A Yes, sir.**

3 Q -- why are you refusing to answer so many  
4 questions?

5 **A Because there are things that the Circuit**  
6 **Attorney and I are looking at that are privileged, and**  
7 **we need -- and she tell -- tells me, instructs me not**  
8 **to answer.**

9 Q So you're really doing this for the Circuit  
10 Attorney not for the Governor?

11 **A I'm doing it for the State of Missouri.**

12 Q You're doing it for the State of Missouri?

13 **A Which includes the Governor, Circuit**  
14 **Attorney, and the citizens.**

15 Q So why is it in that paragraph numbered two  
16 on the first page of Exhibit 5 that the reports are to  
17 be made to Ms. Gardner orally?

18 **A Where is it?**

19 Q Paragraph two right at the bottom, it's the  
20 very last line on the front page?

21 **A Oh, it says progress on the reporting either**  
22 **orally or requested in written form.**

23 Q Well, written -- written only if requested,  
24 right?

25 **A No. Written -- written -- my thing give it**

1 to a written -- written and if -- and that also  
2 equates to the fact that if she wants -- if we do an  
3 oral report and she wants a written report, I'll do  
4 it, but at the time we can do oral -- written reports  
5 -- I mean, oral reports until I'm through with the  
6 entire investigation and give her my final report.

7 Q Okay. Your -- you were requested in this  
8 contract to make oral reports unless you were told to  
9 do otherwise, correct?

10 A Yes, sir.

11 Q Why?

12 A That I -- why was I --

13 Q Why were you only making oral reports?

14 A Because it called for it in the contract  
15 orally and the Circuit Attorney and I we were the only  
16 two to talk about it. I didn't talk about this even  
17 to my people. That's just how sensitive it was to me.  
18 We gave oral reports on the progress.

19 Q Turn to the second page of this contract,  
20 please.

21 A Uh-huh.

22 Q Do you see paragraph 11 at the bottom?

23 A Yes, sir.

24 Q And when you referred to his obligations to  
25 pay Enterra --